

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 1ST AUGUST 2006 / 10TH SRAVANA 1928

Bail Appl..No. 4637 of 2006

(CRIME NO.111/2006 OF PANDIKKAD POLICE STATION)

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PETITIONER/ACCUSED NO.1

ALUNGAL MOIDEENKUTTY,
S/O.MOHAMMED @ MOHAMMED HAJI,
ALUNGAL HOUSE, KADAMBODE POST, PANTHALLOOR,
MANJERI, MALAPPURAM.

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01/08/2006, ALONG WITH B.A.4653/2006, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4637/06 & 4653/06

DATED THIS THE 1ST DAY OF AUGUST, 2006

O R D E R

The first accused, in crime No.111/2006 of Pandikkad Police Station is the applicant in B.A.No.4637/06, under Section 439 Cr.P.C. He was an autorikshaw driver in which, the sandalwood were stolen and transported. He did not stop the vehicle, when intercepted by the police and signalled to stop. The police chased and seized the sandalwood logs from the autorikshaw and arrested the accused from the vehicle. On interrogation, the accused 2 to 7 were included as accused. The petitioner remains in judicial custody, from 30.6.2006. Hence this application, under Section 439 Cr.P.C.

2. The seventh accused in the very same crime is before this Court, B.A.No.4653 of 2006 under Section 438 Cr.P.C., on the ground that his name was not included at the time of registration of the case, against others and he is not involved in this case, and the arrest may be averted.

3. After hearing both sides and considering the materials that are placed before me, I grant bail to the first accused, the petitioner in B.A.No.4637/2006, and release him from jail, subject to the following conditions:-

(a). The petitioner, the first accused, shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Perinthalmanna.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Saturday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 5.8.2006, and thereafter, once in a month, on the first working day, between the same timings, till the completion of the investigation.

4. I direct the seventh accused, the petitioner in B.A.No.4653/2006, to report before the Investigating

Officer, who is investigating the crime of 111/2006 of Pandikkad Police Station, on 8.8.2006 between 10.30 a.m and 11.00 a.m. The investigating Officer shall interrogate the petitioner and thereafter produce him before the Court below, according to the law.

5. The Investigating Officer is at liberty to move an application before the Court below, for the custodial interrogation of the petitioner, in which event, the learned Magistrate shall hear the same and pass appropriate orders on merit. If such an application is not filed or the prayer for the same is declined by the learned Magistrate, the petitioner shall be released on bail, on the application that would be filed by him, imposing such conditions, as are deemed necessary.

Both the applications are disposed of accordingly.

**J.M.JAMES
JUDGE**

mrCS